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3 **CHAPTER 3**

4 **REGULATIONS FOR PERMIT TO CONSTRUCT, INSTALL OR MODIFY**  
5 **PUBLIC WATER SUPPLIES, WASTEWATER FACILITIES, DISPOSAL SYSTEMS,**  
6 **BIOSOLIDS MANAGEMENT FACILITIES, TREATED WASTEWATER REUSE**  
7 **SYSTEMS AND OTHER FACILITIES CAPABLE OF CAUSING OR**  
8 **CONTRIBUTING TO POLLUTION**

9 **Section 1. Authority.**

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11 This Chapter is promulgated pursuant to the Wyoming Environmental Quality Act,  
12 specifically Wyoming Statutes (W.S.) § 35-11-301 and W.S. § 35-11-304.

13 **Section 2. Applicability.**

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15 (a) This Chapter applies to all public water supplies, sewerage systems, treatment  
16 works, disposal facilities, biosolids management facilities, treated wastewater systems and other  
17 facilities capable of causing or contributing to pollution, including:

18  
19 (i) Land application or surface disposal of biosolids or domestic septage;

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21 (ii) Reuse of treated wastewater; and

22  
23 (iii) Biosolids facilities where:

24  
25 (A) U.S. Environmental Protection Agency (EPA) does not regulate  
26 the land application or disposal of biosolids or domestic septage by issuance of an Authorization  
27 To Land Apply or Surface Dispose Sludge Under the National Pollution Discharge Elimination  
28 System;

29  
30 (B) Commercial waste treatment, storage and disposal facilities are  
31 used ;

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33 (C) Non-commercial waste treatment, storage, and disposal facilities  
34 are involved;

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36 (D) Biosolids are prepared outside of the state and brought into the  
37 state for land application or surface disposal; or

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39 (E) Treated wastewater is prepared outside of the state and brought  
40 into the state for land application.

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42 (b) This Chapter does not apply to:

- 43
- 44 (i) Uranium mill tailing facilities that are regulated by the Land Quality  
45 Division, Uranium Recovery Program;
- 46
- 47 (ii) Noncommercial pits and ponds described by W.S. § 30-5-104(d)(vi)(A)  
48 that are regulated by the Wyoming Oil and Gas Conservation Commission;
- 49
- 50 (iii) Class II injection wells that are regulated by the Wyoming Oil and Gas  
51 Conservation Commission;
- 52
- 53 (iv) Sanitary landfills, pits at sanitary landfills, sludge disposal sites, and coal  
54 combustion residual surface impoundments permitted by the Solid and Hazardous Waste  
55 Division;
- 56
- 57 (v) Sediment control structures where the outfall enters into another sediment  
58 control structure that is permitted under this Chapter;
- 59
- 60 (vi) Treatment works, sediment impoundments, disposal systems, biosolids  
61 facilities, land application, or treated wastewater reuse systems regulated by the Land Quality  
62 Division;
- 63
- 64 (vii) Class V facilities requiring permits under Water Quality Rules Chapter 27;
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- 66 (viii) Class VI facilities requiring permits under Water Quality Rules Chapter  
67 24;
- 68
- 69 (ix) Supporting facilities for Class I injection wells permitted under Water  
70 Quality Rules Chapter 27;
- 71
- 72 (x) Confined swine feeding operations permitted under Water Quality Rules  
73 Chapter 20;
- 74
- 75 (xi) Facilities permitted by a municipality, water and sewer district, or county  
76 delegated authority under W.S. § 35-11-304;
- 77
- 78 (xii) Biosolids facilities permitted by EPA, if the recipient of-the EPA permit  
79 submits a copy of the EPA permit to the Water Quality Division.
- 80
- 81 (xiii) A person who applies biosolids, domestic septage, or treated wastewater  
82 where the biosolids, domestic septage, or treated wastewater are prepared by another person  
83 authorized by a permit issued under this Chapter and the applier has a written agreement with the  
84 preparer;
- 85

86 (xiv) Initial emergency response activities to stop and contain a release, as defined in  
87 Water Quality Rules Chapter 4, that enters or threatens to enter Waters of the State or presents an  
88 immediate threat to human health, safety, or the environment.  
89

90 **Section 3. Definitions.**  
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92 (a) The definitions in this Section supplement those definitions contained in W.S. §  
93 35-11-103;  
94

95 (b) “Biosolids” means solid, semi-solid, or liquid residues generated during the  
96 treatment of domestic sewage in a treatment works. Biosolids include, but are not limited to,  
97 domestic septage; scum or solids removed in primary, secondary, or advanced wastewater  
98 treatment processes; and a material derived from biosolids. Biosolids do not include ash  
99 generated during the firing of biosolids in a biosolids incinerator or grit and screenings generated  
100 during preliminary treatment of domestic sewage in a treatment works.  
101

102 (c) “Coal combustion residuals” means fly ash, bottom ash, boiler slag, and flue gas  
103 desulfurization materials generated from burning coal for the purpose of generating electricity by  
104 electric utilities and independent power producers.  
105

106 (d) “Domestic septage” means either liquid or solid material removed from a septic  
107 tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that  
108 receives only domestic sewage. Domestic septage does not include liquid or solid material  
109 removed from a septic tank, cesspool, or similar treatment works that receives either commercial  
110 wastewater or industrial wastewater. Domestic septage does not include grease removed from a  
111 grease trap at a restaurant.  
112

113 (e) “Domestic sewage” means waste and wastewater that is primarily from human or  
114 household operations that is discharged to or otherwise enters a treatment works.  
115

116 (f) “Groundwater” means subsurface water that fills available openings in rock or  
117 soil materials such that they may be considered water saturated under hydrostatic pressure.  
118

119 (g) “Noncommercial pits and wells” means pits and wells that are operated by an oil  
120 and gas operator; that receive wastes from oil or gas wells on a lease, unit or communitized area;  
121 that are not operated primarily for profit; and that are owned or operated by any of the owners of  
122 the oil and gas wells that produce the received wastes.  
123

124 (h) “Non-discharging treatment works” means any plant or other works used for the  
125 purpose of treating, stabilizing or holding wastes without any addition of any pollution or wastes  
126 to any Waters of the State.  
127

128 (i) “Publicly owned or controlled facility” means a system owned or controlled by a  
129 municipality, county or water and sewer district.

130

131 (j) “Receiver” means any zone, interval, formation or unit in the subsurface into  
132 which fluids and pollutants are or may be discharged.

133

134 (k) “Sedimentation control structures” means any collection ditch, containment ditch  
135 or other conveyance or impoundment used to convey runoff to an impoundment or impound  
136 runoff for the purpose of settling out sediment or suspended solids. Non-soil strainer dikes,  
137 terraces, riprap and mulches primarily intended for soil conservation purposes and are not  
138 sedimentation control structures.

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140 (l) “Sedimentation pond” means a primary sediment control structure designed,  
141 constructed, or maintained to control runoff to allow sediment to settle out. Dam-created  
142 impoundments, excavated depressions, and natural depressions are sedimentation ponds if they  
143 are designed, constructed, or maintained to control runoff to allow sediment to settle out and are  
144 larger than two acre-feet. Strainer dikes, terraces, riprap, check dams, mulches, or other  
145 secondary sediment control structures are not sedimentation ponds.

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147 (m) “Sewage collection facility” means a sewerage system, including pipelines,  
148 conduits, storm sewers, pumping stations, force mains, and all other construction, devices,  
149 appurtenances, and facilities used for collection or conducting wastes to an ultimate point for  
150 treatment or disposal.

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152 (n) “Treated wastewater” means domestic sewage discharged from a treatment works  
153 after completion of the treatment process.

154

155 (o) “Treatment works” means either a publicly or privately owned device or system  
156 used to treat either domestic sewage or a combination of domestic sewage and commercial or  
157 industrial waste of a liquid nature. Treatment works also include:

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159 (i) Devices or systems that prepare biosolids or domestic septage for land  
160 application or surface disposal; and

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162 (ii) Devices or systems that prepare treated wastewater for reuse.

163

164 (p) “Wastewater facilities” means sewerage systems, disposal systems and treatment  
165 works.

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167 (q) “Water distribution facility” means pipelines, conduits, pumping stations, storage  
168 facilities and all other constructions, devices, appurtenances and facilities used for collecting or  
169 conducting water from the source to an ultimate point for treatment and from the treatment  
170 facility to the service connections of a public water supply.

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**Section 4. Individual Permits.**

(a) Any person who proposes to construct, install, modify, or operate a facility required to be permitted by this Chapter shall submit a written application on forms provided by the Administrator and shall include with their application:

(i) Plans, specifications, design data, or other pertinent information covering the project;

(ii) Any additional information required by the Administrator; and

(iii) If required under Section 14(a) of this Chapter, a proposed environmental monitoring plan.

(iv) All plans, specifications, and reports submitted under this chapter shall be sealed, signed, and dated by a licensed professional engineer under W.S. § 33-29-601 or by a licensed professional geologist under W.S. § 33-41-115, as applicable.

(v) All plans and specifications shall conform to common and accepted engineering and geological practices as determined by the Administrator or as defined by applicable Water Quality Rules.

(b) An applicant for an individual permit shall submit with its application all supporting data necessary for the Director to determine compliance with this Chapter. The Administrator shall review each application or resubmittal within sixty (60) days from the date the application or resubmittal is received and shall make an initial determination of completeness.

(i) An application is complete when the Division receives an application and all supplemental information necessary to determine compliance with this Chapter.

(ii) An application will be denied if the Division determines it is incomplete.

(c) If the Administrator determines that an application is incomplete:

(i) The Administrator may return the application to the applicant, or the Administrator may request additional information to complete the application.

(ii) If the Administrator requests additional information to complete an application, the applicant shall provide the additional information within six (6) months of the request. If the applicant fails to provide the requested information within that period, the Administrator shall deny the application.

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(d) All facilities permitted under this Chapter shall be designed, constructed, installed, or modified and operated to meet the minimum design standards of this Chapter and as specified in applicable Water Quality Rules.

(i) The plans and specifications for facilities permitted under this Chapter shall meet the minimum design standards of this Chapter and as specified in applicable Water Quality Rules.

(ii) If an existing facility applies for a permit to modify the facility, or to transfer or renew the permit to operate the facility, and the facility meets the minimum design standards that were in effect when its permit to construct, install, or modify the facility was issued, the Director may:

(A) Issue a permit to modify the facility to increase its capability to treat, hold, or dispose of wastes without altering the minimum design standards that apply to the facility under its existing permit;

(B) Issue a permit to modify the facility that requires the facility to meet the minimum design standards that are in effect when the permit to modify is issued that apply to the modification without altering any other minimum design standards that apply to the facility under its existing permit; or

(C) Issue a permit to modify the facility that requires the facility to meet all minimum design standards that are in effect when the permit to modify the facility is issued.

(iii) If an existing facility does not meet the minimum design standards that were in effect when its permit to construct, install, or modify the facility was issued, any permit to modify the facility, or any transferred or renewed permit to operate the facility, shall require the facility to meet or exceed the minimum design standards of these regulations that are in effect when the permit to modify is issued.

(iv) The Director shall not issue, renew, or transfer a permit to operate to any facility that does not meet the minimum design standards that were in effect when its permit to construct, install, or modify the facility was issued.

(v) All applications for a permit to construct or install a treatment works, disposal system, or other facility capable of causing or contributing to pollution (excluding sedimentation ponds, sedimentation control structures, small wastewater systems, sewerage systems, and public water supplies) shall contain the following:

(A) Documentation that the facility poses no threat of discharge to groundwater. The documentation shall consist of data that demonstrates that:

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(I) Facility construction will not allow a discharge to groundwater by direct or indirect discharge, percolation, or filtration;

(II) The quality of wastewater will not cause any violation of the groundwater standards of Water Quality Rules Chapter 8; or

(III) Existing soils or geology will not allow a discharge to groundwater; or

(B) A subsurface study that meets the following requirements and contains the following information:

(I) Type, quantity, source, and chemical, physical, radiological, and toxic characteristics of fluids, wastes, or other materials to be held, treated, or disposed;

(II) The name, description, depth, geology, and hydrology of any receiver that may be affected by the proposed facility;

(III) A map indicating existing well locations, topography, proposed facility locations, and surface water features. The map shall also include proposed monitoring wells if required in accordance with Section 14(a) of this Chapter;

(IV) Types of soils, soil permeability, and soil assimilation capabilities at the site;

(V) Information on all existing water wells near the proposed facility, including well completion, yield, water use, water quality, and other relevant data. This information is required for:

(1.) All wells within one-quarter (1/4 ) mile radius of the proposed facility;

(2.) All domestic and public water supplies located in a one (1) mile radius of the proposed facility; and

(3.) In aquifers where groundwater movement is rapid, the Administrator may require this information on wells within a three (3) mile radius of the proposed facility;

(VI) Hydrologic information that includes:

- 300 (1.) Potentiometric surface (water table) map;
- 301
- 302 (2.) Identification of aquifers:
- 303
- 304 a. Distribution and depth range;
- 305
- 306 b. Aquifer characteristics; and
- 307
- 308 c. Aquifer test data; and
- 309
- 310 (3.) Water quality variations.
- 311
- 312 (VII) If available, the following information:
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- 314 (1.) Surface geology maps of:
- 315
- 316 a. Area distribution of formations or units;
- 317
- 318 b. Dip and strike; and
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- 320 c. Faults, dikes, sills, and other intrusives or
- 321 extrusives.
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- 323 (2.) Area geologic reports;
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- 325 (3.) Stratigraphic information, including:
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- 327 a. Columnar or stratigraphic section;
- 328
- 329 b. Lithologic descriptions of rock units; and
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- 331 c. Thickness of rock units; and
- 332
- 333 (C) The subsurface study shall demonstrate that the proposed facility
- 334 will not cause or result in a violation of the groundwater standards in Water Quality Rules
- 335 Chapter 8, contain information and data from pre-operational monitoring wells located to
- 336 accurately characterize the subsurface environment, and include the following items:
- 337
- 338 (I) Well locations;
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- 340 (II) Well completion information;
- 341
- 342 (III) Depth to the uppermost water-bearing zone;



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- 344 (IV) Background water quality;
- 345
- 346 (V) Direction of groundwater movement;
- 347
- 348 (VI) Hydraulic conductivity;
- 349
- 350 (VII) Geology and types of soils; and
- 351
- 352 (VIII) Depth to base of the uppermost water-bearing zone.
- 353

354 (e) The Administrator shall promptly notify the applicant in writing of all actions  
355 taken on the application.

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357 (f) If, upon review of an application, the Administrator determines that a permit is  
358 not required under the Environmental Quality Act, the Administrator shall notify the applicant of  
359 this determination in writing.

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361 (g) The Administrator may provide opportunity for public comment and hold a public  
362 meeting prior to recommending individual permit approval if the Administrator determines there  
363 is a significant degree of public interest.

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365 (h) If upon review of an application, the Director determines that a permit should not  
366 be granted, the Director shall notify the applicant in writing of the permit denial and state the  
367 reasons for denial.

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369 **Section 5. General Permits.**

370

371 (a) The Director shall issue a general permit for the installation, modification,  
372 construction, or operation of new systems for the following classes of facilities:

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374 (i) Small wastewater facilities that require a permit under Water Quality  
375 Rules Chapter 25;

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377 (ii) Extensions to or modifications of existing sewage collection facilities and  
378 public water supply distribution facilities, excluding finished water storage facilities, booster  
379 pump systems, and sewage lift systems;

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381 (iii) Pilot plants constructed to obtain data to demonstrate compliance with  
382 applicable Water Quality Rules.

383

384 (b) The general permit for each type of facility listed in paragraph (a) of this Section  
385 shall contain requirements to protect surface and groundwater resources and to provide safe and  
386 adequate water for public water supply systems.

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388 (c) The Administrator shall provide public notice and opportunity for public  
389 comment on the draft general permit before it is issued by the Director. The public comment  
390 period shall include:

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392 (i) Notice in a paper of statewide circulation and electronic notification to  
393 persons on the Division subscriber list;

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395 (ii) A minimum 30-day public comment period;

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397 (iii) An opportunity for a public hearing if the Administrator determines there  
398 is a significant degree of public interest in the draft general permit; and

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400 (iv) The preparation of a written analysis of how the Division responded to  
401 public comments. This analysis shall be made available to all persons who commented on the  
402 proposed permit.

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404 (d) Applications for coverage under a general permit shall be submitted to the  
405 Division in a format required by the Administrator and include the application form, plans,  
406 specifications, design data, and other pertinent information concerning the project.

407

408 (e) All facilities described in paragraph (a) of this Section shall be designed,  
409 constructed, installed, modified, and operated to meet minimum design standards as specified in  
410 applicable Water Quality Rules.

411

412 (f) All plans, specifications, and reports submitted under this chapter shall be sealed,  
413 signed, and dated by a licensed professional engineer under W.S. § 33-29-601 or by a licensed  
414 professional geologist under W.S. § 33-41-115, as applicable.

415

416 (g) All plans and specifications shall conform to common and accepted engineering  
417 and geologic practices as determined by the Administrator or as defined by applicable Water  
418 Quality Rules.

419

420 (h) Facilities are authorized under the general permit when the Administrator issues a  
421 written notification of coverage under the general permit.

422

423 (i) The Administrator may require an applicant for a general permit to obtain an  
424 individual permit for that facility if the Administrator determines that the general permit would  
425 not be protective of surface water standards, groundwater standards, public health, or the  
426 environment.

427           **Section 6.     Permit by Rule.**  
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429           (a)     The following facilities are permitted by rule when they are constructed, installed,  
430 modified, or operated in accordance with the requirements of this section:

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432                   (i)     Monitoring wells, boreholes, test holes installed using direct push  
433 methods, soil vapor surveys, and test pits that are used to characterize subsurface conditions at  
434 sites where pollution is not known to exist; and

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436                   (ii)    Monitoring wells and other subsurface investigation facilities used to  
437 obtain information for a permit application under Sections 4(d) and 14 of this Chapter.

438  
439           (b)     Prior to constructing or installing the facility, owners shall submit to the  
440 Administrator a Notice of Intent that includes the owner’s name; address; phone number; legal  
441 description of the facility including the physical address, latitude and longitude, or township,  
442 range section and quarter-quarter (¼ ¼) section; any associated permit numbers and or program  
443 the facility operates under; the number of facilities to be installed under this Authorization, and;  
444 the date construction or installation will begin. By submission of the required information, the  
445 owner acknowledges and certifies they will comply with the requirements contained in this  
446 section.

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448           (c)     If pollution that has entered or threatens to enter Waters of the State, including  
449 groundwater, is found during installation of a facility permitted by rule pursuant to this Section,  
450 the owner shall notify the Administrator within twenty-four (24) hours.

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452           (d)     When pollution that has entered or threatens to enter Waters of the State,  
453 including groundwater, is found in facilities described in paragraphs (a)(i) and (a)(ii) of this  
454 Section, the property owner or owner of the test facility shall immediately notify the Water  
455 Quality Division and submit a written report to the Administrator within thirty (30) days of  
456 receipt of the initial sample results. The report shall include:

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458                   (i)     The name, address, and telephone number of the operator and the owner of  
459 the property;

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461                   (ii)    A legal description of the specified property by ¼ section, township and  
462 range, or by latitude and longitude if accurate to within ten (10) meters;

463                   (iii)   The type, nature and extent of the pollution;

464                   (iv)   A brief description of the suspected source(s)of pollution;

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466                   (v)    A description of any known or potential threat to human health, safety, or  
467 the environment;  
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(vi) A description of any corrective action(s) that have been taken or are planned to be taken;

(vii) Any sample results obtained; and

(viii) A seal, signature, and date by a Wyoming Professional Engineer or a Wyoming Professional Geologist, as applicable, on all plans, specifications, and reports submitted under this Section.

(e) Monitoring wells shall be designed and constructed in compliance with Water Quality Rules Chapter 26. Toxic glue shall not be used in monitoring wells.

(f) Monitoring wells shall be plugged and abandoned in compliance with Water Quality Rules Chapter 26. All other subsurface investigation facilities shall be abandoned by proper sealing to prevent surface contamination from reaching groundwater and to prevent the intermingling of aquifers.

(g) The Administrator may request information from the owner or operator of a facility permitted by rule to determine whether that facility may be in violation of or causing a violation of Water Quality Rules. Any request for information under this section shall be made in writing and include a brief statement of the reasons for requesting the information. An owner or operator shall submit the information within the time frame provided in the request for information.

(h) The Administrator may require any owner or operator of a facility permitted by rule to obtain an individual permit for that facility if the Administrator determines that a permit by rule would not be protective of surface water standards, groundwater standards, public health, or the environment.

(i) Coverage for facilities permitted by rule continues until the facility is properly closed, until coverage is suspended, terminated, or revoked under Section 13 of this Chapter, or until an individual permit or authorization under a general permit is issued for the facility.

**Section 7. Sedimentation Control Structures.**

(a) Sedimentation control structures shall:

(i) Not obtain wastewater from any other source than natural runoff;

(ii) Not be located in a drainage channel that accepts runoff from undisturbed areas;

513 (iii) Be constructed before lands are affected, except sedimentation control  
514 structures for topsoil piles may be completed within fifteen (15) days after the need arises; and  
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516 (iv) Individually contain less than two acre-feet of runoff in addition to  
517 sediment storage or contain less than two acres in surface area, whichever is smaller;  
518

519 (b) Within thirty (30) days after construction of a sedimentation control structure is  
520 completed, the permittee shall submit the following information to the Division:  
521

522 (i) Exact size, location, and capacity of the facility; and  
523

524 (ii) Amount of disturbed area and other information used by the permittee to  
525 size the facility.  
526

527 (c) An applicant may obtain an individual permit for each sedimentation control  
528 structure or may obtain a permit for a sedimentation control structure plan that authorizes  
529 multiple sedimentation control structures. The permit application for a sedimentation control  
530 structure plan shall contain:  
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532 (i) Design information that the applicant shall use to size individual facilities  
533 to meet requirements of applicable Wyoming Water Quality Rules;  
534

535 (ii) Provisions for dewatering;  
536

537 (iii) Typical design and construction details of the facilities; and  
538

539 (iv) Plan view indicating all areas to be covered by the sedimentation control  
540 structure and the topography of the area.

541 **Section 8. Permit Duration.**  
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543 (a) In general, any construction, installation, modification, reuse of treated  
544 wastewater or land application permits authorized by a permit issued under this Chapter shall be  
545 completed within five (5) years from the date of issuance. A permit may specify a shorter  
546 deadline.  
547

548 (i) For individual permits, the date of issuance is the date the Director issues  
549 the permit to the permittee.  
550

551 (ii) For general permits, the date of issuance is the date the Director issues a  
552 written notification of coverage to the permittee.  
553

554 (b) If the construction, installation, or modification, reuse of treated wastewater, or  
555 land application is not completed within five (5) years of the date of issuance or by the deadline

556 specified in the permit (whichever is sooner), the permit automatically terminates, and the  
557 applicant shall obtain a new permit before constructing, installing, or modifying the facility, or  
558 continuing to reuse treated wastewater, or land apply.

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560 (c) If the permittee completes construction, installation, or modification of the  
561 facility, or reuse of treated wastewater or land application before the deadline established by this  
562 paragraph or the permit (whichever is sooner), the permit continues as a permit to operate the  
563 facility. The permittee may continue to operate the facility in compliance with the terms of the  
564 permit until the permit is suspended, revoked, or terminated under Section 13 of this Chapter.

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566 (d) Operational, record keeping, and reporting requirements shall remain in effect for  
567 the life of the facility.

568

569 **Section 9. Transferring Permits.**

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571 (a) Any permit issued under this Chapter is specific to the facility and applicant, and  
572 no permit shall be transferred without the approval of the Director. The Director shall issue  
573 permits only to:

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575 (i) The owner of a public water supply, sewerage system, treatment works,  
576 disposal facility, biosolids management facility, treated wastewater system, or other facility  
577 capable of causing or contributing to pollution; or

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579 (ii) The preparer or applier of the treated wastewater or biosolids.

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581 (b) To transfer a permit to a new owner of a facility, a new preparer of treated  
582 wastewater or biosolids, or a new applier of treated wastewater or biosolids, the new applicant  
583 shall:

584 (i) Complete and submit an ownership transfer form to the Division; and

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586 (ii) Include with the ownership transfer form a written request from the  
587 existing permittee to transfer the permit to the new applicant.

588

589 **Section 10. Renewing Permits.**

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591 (a) The Director may renew a permit issued under this Chapter if the permittee  
592 provides a written notice to the Division stating that there shall not be any changes in the plans  
593 for construction, installation, modification, or operation of the facility.

594

595 (b) The Director may renew an expired or terminated permit if the Director  
596 determines that renewing the permit will not cause or result in a violation of the requirements of  
597 this Chapter or the requirements of other applicable Water Quality Rules.

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**Section 11. Denying Permits or Coverage under a General Permit.**

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(a) The Director may deny a permit or coverage under a general permit for any of the following reasons:

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(i) The application is incomplete;

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(ii) The facility does not meet the minimum design standards of this Chapter or other applicable Water Quality Rules;

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(iii) The installation, construction, modification, or operation of the facility will cause or result in a violation of the surface water standards in Water Quality Rules Chapter 1 or the groundwater standards in Water Quality Rules Chapter 8;

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(iv) The installation, construction, modification, or operation of the facility would not comply with applicable state and local water quality management plans as required by Section 15 of this Chapter;

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(v) The installation, construction, modification, or operation of the facility would result in hydraulic or organic overloading of wastewater facilities;

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(vi) The installation, construction, modification, or operation of the facility would result in public water supply demand in excess of source, treatment, or distribution capabilities; or

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(vii) The Director determines that the installation, construction, modification, or operation of the facility would not be protective of surface water standards, groundwater standards, public health, or the environment.

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(b) The Director shall notify the applicant in writing of the reason(s) for denying the permit.

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**Section 12. Amending Permits.**

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(a) The Director may modify a permit for any of the following reasons:

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(i) Existing, unknown, or changing site conditions that would prevent compliance with the Water Quality Rules;

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(ii) Receipt of additional information; or

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640 (iii) The Administrator determines that modifying the permit is necessary to  
641 achieve compliance with Water Quality Rules or the Environmental Quality Act; or

642  
643 (iv) The permittee requests a permit modification.

644  
645 (b) The Department shall notify the permittee in writing of its intent to modify an  
646 individual permit. The notification shall include the proposed permit modification and the  
647 reasons for modifying the permit. The modified permit is effective twenty (20) days after the  
648 permittee receives notice of the Department's intent to modify the permit unless within that time  
649 the permittee requests a contested case hearing before the Environmental Quality Council.

650  
651 (c) The Director shall issue a new individual permit that reflects the modifications  
652 when the permit becomes effective.

653  
654 (d) The Director shall review each general permit at least every five (5) years from  
655 the date of issuance, make modifications as needed, and reissue the general permit.

656  
657 (i) All proposed modifications to the general permit shall be subject to public  
658 notice and opportunity for public comment according to Section 5(c) of this Chapter before the  
659 general permit is modified.

660  
661 (ii) Facilities that are covered under a general permit shall continue to be  
662 covered under the modified general permit. To continue to be covered, facilities shall comply  
663 with all requirements of the modified general permit.

664  
665 (e) A permittee may request a modification to its permit at any time by submitting a  
666 new application, an amended application, or a request to modify the permit.

667  
668 (f) Any request to modify a permit, deviate from the plans submitted with the permit  
669 application, or use alternative materials or procedures shall be made in writing, and no  
670 modification to the permit shall be effective until the Director issues written authorization or a  
671 modified permit, except that:

672  
673 (i) To prevent construction delays, a permittee may verbally request to use  
674 alternative materials or procedures, and the Administrator may verbally approve the request. The  
675 Administrator may approve the request if the materials or procedures specified in the issued  
676 permit cannot be obtained or accomplished and alternative materials or procedures meet the  
677 minimum design standards of this Chapter, Water Quality Rules Chapter 11, Water Quality  
678 Rules Chapter 12, Water Quality Rules Chapter 25, and Water Quality Rules Chapter 28; and

679  
680 (ii) Verbal approval to use alternative materials or procedures is immediately  
681 effective, provided that the permittee submits a written request within five (5) days of receiving  
682 verbal approval.



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**Section 13. Suspending, Revoking, and Terminating Permits.**

- (a) The Director may suspend, revoke, or terminate an individual permit, coverage under a general permit, or coverage under a permit by rule for any of the following reasons:
- (i) Noncompliance with the terms of the permit, the Water Quality Rules, or the Environmental Quality Act;
  - (ii) Unapproved modifications in design or construction;
  - (iii) False information submitted in the application, failure in the application or during the issuance process to disclose fully all relevant facts, or misrepresenting any relevant facts at any time;
  - (iv) Changing site conditions that would result in violation of the requirements of this Chapter or applicable Water Quality Rules;
  - (v) Noncompliance with applicable state and local water quality management plans as required by Section 15 of this Chapter; or
  - (vi) The Director determines that the installation, construction, modification, or operation of the facility is not protective of surface water standards, groundwater standards, public health, or the environment.
- (b) The Department shall notify the permittee in writing of its intent to suspend, terminate, or revoke an individual permit or coverage under a general permit. The notification shall include the reasons for suspending, terminating, or revoking the permit. The suspension, revocation, or termination is effective twenty (20) days after the permittee receives the Department’s notice unless the permittee requests a contested case hearing before the Environmental Quality Council.
- (c) Individual permits and authorizations under general permits automatically terminate:
- (i) Sixty (60) days after sale or exchange of the permitted facility if the Division does not receive an application to transfer the permit in compliance with Section 9(b) of this Chapter;
  - (ii) When superseded by a new, transferred, renewed, or modified permit; and
  - (iii) Upon written request of the permittee.

726           **Section 14. Environmental Monitoring Program for Protection of Waters of the**  
727 **State.**

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729           (a) As determined by the Administrator, whenever a facility may cause, threaten, or  
730 allow the discharge of any pollution or wastes into Waters of the State or may alter the physical,  
731 chemical, radiological, biological or bacteriological properties of any Waters of the State, the  
732 permittee shall develop and implement an environmental monitoring program.

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734           (b) An environmental monitoring program shall be adequate to ensure detection and  
735 knowledge of migration and behavior of the pollution or wastes and may include:

- 736  
737                   (i) Operational monitoring;  
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739                   (ii) Post-discharge or post-operational monitoring; and  
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741                   (iii) Recordkeeping and reporting.

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743           (c) A monitoring program shall include plans for monitoring the quality of affected or  
744 potentially affected surface water and groundwater, including:

- 745  
746                   (i) Stratigraphic and depth interval to be monitored by each well;  
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748                   (ii) Details of monitor well(s) construction;  
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750                   (iii) Details of how the monitoring program shall be carried out from  
751 preparation to site abandonment;  
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753                   (iv) Background water quality obtained from representative samples that  
754 characterize water quality and water quality variability for each monitor well;  
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756                   (v) Background water quality for wells and surface water that may be  
757 impacted, based on site-specific geohydrology;  
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759                   (vi) A description of how representative sampling shall be accomplished; and  
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761                   (vii) Parameter list(s) and frequency of sampling after operation begins.

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763           (d) The permittee is responsible for properly installing, operating, maintaining, and  
764 removing all necessary monitoring equipment.

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766           **Section 15. Compliance with State and Local Water Quality Management Plans.**  
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768 (a) No permit may be issued for any facility that conflicts with any local or state-  
769 approved water quality management plan established pursuant to section 201 of the Clean Water  
770 Act, 33 U.S.C. § 1281.

771

772 (b) No permit may be issued for any facility that conflicts with any Department of  
773 Environmental Quality-approved wellhead protection plan established pursuant to section 1428  
774 of the Safe Drinking Water Act, 42 U.S.C. § 300h-7 or local source water protection plan  
775 established pursuant to section 1453 of the Safe Drinking Water Act, 42 U.S.C. § 300j-13.

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